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The Transvaal Question

FROM A SWISS POINT OF VIEW.

CAPE TOWN:
THE SOUTH AFRICAN VIGILANCE COMMITTEE.
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THE TRANSVAAL QUESTION,

FROM A SWISS POINT OF VIEW.

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BY

EDOUARD NAVILLE,

GENEVA.

Translated from the French by C. Nisbet.

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THE TRANSVAAL QUESTION.

ITS HISTORY.

THE TRANSVAAL QUESTION is not so easy to understand as it appears on the surface. Looking at the two opponents before us, we imagine at first sight that the struggle is between a small people and a great power who is seeking for pretexts to deprive that tiny nationality of its territory and its independence. Instinctively the sympathies of the Swiss are enlisted on the weaker side, which is only natural; but when one examines the history of the Transvaal, and when the present condition of the country is taken into account, one is forced to recognise that the real motive which incites the Transvaal to stake its very existence is not one by which the conduct of a small nationality should be guided. It is not for its independence, which England is ready to grant; it is not for the freedom which will have none of her institutions and still less of her government; it is for none of these reasons that the Transvaal is plunging itself into a war that will be fatal to it. It is in order to preserve absolute power over the Uitlanders, along with the financial advantages resulting from such dominion. In a word, it is above all a question of money, or rather gold. Accordingly, we refuse to draw a parallel between the Transvaalers of to-day and the ancient Swiss or the Montenegrins.

As the actual situation seems to us to contain lessons that may be useful to small nations, we shall try to make the position clear to our fellow-countrymen as it is understood by us. Independently of the official documents, the sources of our information are to be found in various works recently published on South Africa. Particularly in one by an English statesman, Mr. Bryce, formerly Under-Secretary to the Minister for Foreign Affairs in Mr. Gladstone's Cabinet. Mr. Bryce was a great admirer of his former chief, and, like him, thoroughly imbued with the great philanthropic and humanitarian ideas, which were so often invoked by Mr. Gladstone in his political career. One could not imagine Mr. Bryce having a weakness for Mr. Chamberlain.

The independence of the Transvaal rests upon three Conventions successively made with England. The first, concluded in 1852, and called the Convention of Sand River, was granted to the farmers north of the Vaal, who, until then, had been English subjects, and of whom a good number, including President Kruger, had been born in Cape Colony. This gave them the right to govern themselves, according to their own laws and customs, on the condition that no alliance would be made with the natives against England, and that slavery should be entirely abolished. Two years later a similar Convention, arranged at Bloemfontein, created the Orange Republic, which is looked upon as a model state, having for a long time had the good fortune to be presided over by a very worthy man, Sir John Brand. The relations of the Orange Free State with England have, until now, been excellent; and its peaceful existence has only been troubled by native wars, and a threatened attack by the Transvaal.

Left to themselves, the Transvaal Boers would return to their former manner of life, that of semi-nomadic Shepherds, always seeking to enlarge their pastures at the expense of the natives, whom they believed they had the right to treat as the Israelites had used the Canaanites. During the twenty-five years preceding England's intervention in 1877, there is nothing to report but dissentions and intestine quarrels.

At the outset, save for quite a rudimentary organisation, they had neither laws nor Government. The Landdrosts (municipal magistrates) had to compel obedience. Along with them there were military commanders, each of whom had under him a kind of sub-officer,—the Field-Cornet. These functionaries, half civil, half military, are still in existence, even in the town of Johannesburg. The new law relating to the franchise gives them exaggerated powers, which only conduces to an arbitrary exercise of them. It is against them that the vehement complaints of the Uitlanders have been uttered.

For a long time there was no central authority. Four republics fought for the pre-eminence. The Volksraad was but an authority in name and represented only one party. In 1857 the inhabitants of Potchefstroom marched against the Orange Free State, but retreated whenever a show of resistance was made. In 1858 a Council of War drew up what is called the Grondwet, a constitution that was difficult to accept, and which has been altered at different times. In 1862 there was a real civil war. In 1864, however, Prætorius succeeded in concentrating the entire power in his own hands. But struggles with the natives, signalised by frightful cruelties on all sides, did not cease. The Government existing only in name, it was quite impossible to levy taxes, in regard to which subject the Boer is an out-and-out rebel. His

doctrine in the matter of finance is that tribute must be exacted only from the alien. This belief, along with the rest of his religion, being taken from the Old Testament. Then the economic condition of the country was deplorable. Of money, there was scarcely any, Business was transacted by means of exchange, paper money having fallen to a quarter of its value. When Prætorius resigned in 1872, he was succeeded by Pastor Burgers, an enlightened man, who wished to lead his fellow-countrymen along the path of progress and reform. He failed. A violent opposition, one of the leaders being Kruger, sought to undermine his influence, and to have him discredited under pretence of heresy. For instance he was upbraided for not believing that the devil had a tail, old Dutch Bibles always representing him with this appendage!

Such was the situation at the beginning of 1877. Viewed from within it was unquestionably far from hopeful; but a great danger from without complicated it still more. In 1876 the Kafir Chief Secocœni had been victorious over the Boers. In the south Cetewayo, the Zulu King, had assembled a large army together and was at the summit of his power. Like all natives he hated the Boers, and if he took the field against them with his hordes, certain ruin would befall the Transvaalers.

The feebleness of the Republic, and the anarchy which reigned within, came to be a serious danger to the neighbouring colonies, more particularly to Natal. So England decided to intervene. By the command of the Governor of Cape Colony, an English Commissioner, Sir Theophilus Shepstone, went to Pretoria to make an enquiry. He was given three months to look into matters, after which having been assured of the consent of the inhabitants, he was to proclaim annexation. Almost alone Shepstone entered the Boer capital, and after his three months of inquiry—during which time he was convinced of the weakness of the State and the ruin of the country, the financial resources of which amounted to three shillings and sixpence—he hoisted the British flag on the 12th of April, 1877. The only serious protest was made by President Burgers, who had endeavoured to lead his countrymen on the path of progress. He left the country, and ended his days at the Cape, depending for support upon a pension, having spent all he had upon the public good.

The departure of Burgers left the field open to the Vice-President, Kruger, who had been his sworn enemy. According to an English writer (Mr. Knox Little), Kruger, Joubert, and the other members of the Government, made only a formal protestation. Shepstone showed them his proclamation before publishing it, when they made some modifications. In return they submitted their protestation to the English Commissioner, who altered some of

the phrases in it. Moreover, the important functionaries among the Boers continued in office. It even appears (according to the authority above quoted) that Kruger began by demanding an increase of salary, which was at once granted. Cape Colony remained indifferent, even the Boer masses made no sign. Perhaps, had a plebiscite been taken, it would have been against the annexation; although it is clear that their passionate love of independence was completely eclipsed in the face of an empty treasury, and Cetewayo's hordes appearing on the horizon.

Was Sir Theophilus Shepstone then justified in annexing the Traansvaal? Friends and enemies alike of the English Government of the period agree in saying that he was too hasty. He has been blamed for not waiting until the Boers were in greater straights. In a few more months bankruptcy would have been complete, and, with Cetewayo invading the Transvaal, disorder would have reigned supreme. They would then have spontaneously begged the protection of Great Britain. The destruction of the Zulu Empire by English armies, in which battles the Boers took no part, led to the revolt of the Transvaal in 1881. Here we may remark that this rebellion was facilitated by serious faults on the part of England herself. At first there was the delay in the appointment of a representative government, which had been solemnly promised in the annexation proclamation. It seemed as if England had not kept her word. Was their any real intention of breaking the engagement? Was it not rather the result of diverse circumstances? In the first place, Shepstone could not find among the Boers, particularly in the old Raad, the necessary elements for the formation of two deliberating assemblies such as he advised. Then the British Government had many other affairs on hand. It was the time of the Turco-Russian War and the Berlin Congress.. Moreover, South Africa demanded attention; a colony that had to be maintained because there was no help for it, and which gave constant trouble and caused much expense. Finally, Shepstone—who enjoyed a certain kind of popularity among the Boers—was recalled. He was succeeded by an officer of an irritable and overbearing temperament. Thus England always gave the impression of breaking her word.

Kruger and his friends saw at the outset that they held an excellent card in their hand. A historian favourable to the Transvaal does not hesitate to say that one of the chief grievances the Boers had against the annexation was the fact that taxes were levied by an administration in which they were not represented. Taxation—this law contrary to nature when it affects the Boers—imposed by the Government, played the most important part in the rebellion of 1881. It is true that Shepstone's successor exacted it with a severity which, however legal it might be, was, to say the least, impolitic.

On two occasions Kruger and Joubert visited England: at the close of the Beaconsfield administration. Mr. Gladstone had conducted his famous Midlothian campaign. Urged by a passionate desire to undo the work of his predecessor, he and his lieutenant, Lord Hartington, made several speeches against the annexation of the Transvaal. The two Boers were not slow to discern the approach of their opportunity. They understood that they would have with them the entire Liberal party, which blindly followed its chief, and allowed itself to be carried away by the grand words —humanity, independence, and justice—with which the old statesman so triumphantly convinced his audiences. However, neither in the Queen's speech after the elections, nor in the first communications between Gladstone and Kruger, was the maintenance of the English supremacy called in question. This did not deter the Transvaalers. Profiting by the usual want of foresight of the English, who had left the country almost entirely ungarrisoned, the Transvaalers hoisted their national flag on the 16th of December, 1880. A detachment of English troops was caught in an ambush. Then the Boers entered the territory of Natal in order to arrest the progress of the English in the mountain passes. One detachment was defeated at Laing's Nek; a second, numbering about 400 men, was overwhelmed at Majuba Hill, every man among them being either killed or taken captive. The news of these defeats caused great anxiety in England. The Cabinet declared that the honour of the flag must be vindicated. Reinforcements were at once sent off, with Sir Frederick Roberts in command of the English army. Upon his disembarkment, Roberts was ordered to retrace his steps. During his voyage a complete change had taken place: England had capitulated. It was discovered after the defeat that the annexation of the Transvaal was unjustifiable, and that a Power like England was strong enough to shew itself generous, and, above all, to forgive injuries done to her by a feebler people. It was then that the first Convention was signed—that of 1881—giving independence to the Transvaal, with the clear stipulation that the Suzerainty of England was to be recognised.

Few public deeds, says Mr. Bryce writing last year, have given rise to such bitter controversy as the overturning of the policy followed in 1877. Nevertheless, he adds, I still believe that the Government was right to give way in the face of what would have been a racial war. He acknowledges, however, that the hopes built upon the result of this act of magnanimity have not been realised. The Boers especially, saw neither generosity nor humanity in England's action; all they were able to discern was fear.

One must confess that the avowal is a naïve one, emanating as it does from the pen of an English statesman. To believe that an

ignorant people, in the intoxication of victory, would imagine for a moment that peace was made from generosity, is to push good-will rather far, above all, when the fear of a race war was put forward by England as a justification of the evacuation. At the present time Mr. Bryce might write that few acts have been so justly condemned, even by those who were then responsible. Its consequences have been disastrous, and have had quite a different effect from what was expected. The rebellious Boers, very far from being grateful, found food here for the nourishment of a profound contempt for the English, which accounts greatly for the present warlike attitude towards them.

As to those Boers who had accepted England's supremacy, finding themselves abandoned at the first check, they returned to Kruger's side, and now are probably his staunchest adherents. Many English colonists had also settled in the country under the protection of the British flag. Their leader was a Mr. White, who had rallied around him a certain number of Boers. One ought to read the letter he wrote to Mr. Gladstone at the time of the evacuation, when he found himself deserted by his country. Seldom has a more thrilling and more pathetic piece of eloquent writing been penned.

But those to whom the withdrawal of England was the most terrible blow were the natives—the black races—of whom there were about seven hundred thousand in the country. One reason of the Boers' hatred to England was the protection afforded by that power to the natives; the latter from experience having always looked upon the Boers as their worst and most cruel enemies. Three hundred of the principal chiefs were summoned to the Square at Pretoria, and there an English Commissioner read out to them the last proclamation of the Queen of England, which announced that they, the poor Canaanites, were handed over to the mercy of the Israelites, in despite of the despairing appeals addressed to Her Majesty by several among them. Thus England broke her pledges, not only to her subjects and to the Boers who had remained loyal, but also to the natives to whom she had promised protection, and who, more than any others, had need of it. But further, under cover of those grand words—magnanimity, generosity, and justice—there was then as now a question of money. One of the principal accusations brought by Mr. Gladstone against his rival's Government was its exorbitant expenditure. Economy must be practised at whatever cost; all useless outlays must be retrenched. Gold mines had not yet been discovered in the Transvaal. It was not worth the price that would have to be paid to insure its possession. Better far to throw off responsibility as quickly as possible. Here is to be found the real reason for what has been

called by the English army the capitulation of Majuba Hill, an action for which it has never forgiven Mr. Gladstone.

One can understand after what has happened since then, and above all in view of the present condition of affairs, how a great number of Mr. Gladstone's admirers who followed him blindly in this matter now recognise the hugeness of the blunder. More especially several men like Mr. Chamberlain, who were members of the Cabinet at the time, are keenly conscious of the weight of responsibility which rests upon their shoulders. Mr. Chamberlain is constantly held up to view as a minister actuated solely by a tyrannical rapacity, who would allow of no state being independent alongside of England. If one were to believe the newspapers whose sympathies are with the Boers, which means most of the Continental press, Mr. Chamberlain does not wish the negotiations to succeed, because he aims at annexation pure and simple, which, in the event of war, is sure to occur.

Annexation in itself is not one of the principles of Colonial policy. There must be a utility attached, to compensate for the outlay and expense thereby involved. What good would be gained by the annexation of the Transvaal? Its sole value is to be found in its gold mines, and they do not cover a hundredth part of the land. Why then should one burden oneself with the administration of a country as large as France, inhabited by 80,000 Boers, half nomadic, very ignorant, impatient of any government, and absolutely rebellious in the matter of taxation?

It is evident that if a concession could be obtained from the Transvaal Government that the autocratic and vexatious proceedings employed against the Uitlanders would cease, and if the latter were allowed to follow out their occupations in peace, and at the same time to contribute to the prosperity of the State, England would no more dream of destroying the independence of the Transvaal than she would of the Orange Free State—unless the latter should commit the imprudence, in the event of war, of taking sides with the Boers.

If Mr. Chamberlain is perhaps more inflexible in his dealings with the Transvaal Government than are his colleagues, it is because he feels his share of the responsibility and the consequences of the Convention of Majuba Hill. Lord Salisbury is not by any means in the same position, because at the time he, along with Lord Cairns, did all in his power to prevent the capitulation. Mr. Chamberlain does not stand alone in his feelings on the matter: far from that. During the last debate in the House of Commons, several Radical members, ardent Gladstonians, supported him in a most energetic manner. Besides, as the Convention of Majuba Hill was not adhered to, more remains to be told.

When the Boers regained their independence, they resumed their former habits, bands of them going out on one side and the other to make "treks," or, as the English word has it, "raids" against the natives. Several times they encroached into English territory, so much so that in 1884 the Gladstone Government sent out Sir Charles Warren to bring these fillibusters to reason. The result was a new Convention: that of 1884. Upon receiving a promise from the Boers that the territories under British protection would be respected, different articles in the agreement of 1881 were somewhat modified. The most noteworthy alteration was in the clause which dealt with the Transvaal's relations to foreign affairs, the phrase: "Suzerainty of England" being suppressed, although it still remained in the preamble. This word "Suzerainty" is now the subject of very lively discussions of rather an academical kind; for, according to Lord Salisbury, it has no legal meaning. If the definition of Sir William Harcourt, one of the authors of the London Convention, is accepted, the following would be the position:—The Transvaal is its own sovereign master in all that relates to its internal affairs; but it cannot be called an International Sovereign State, since it has no power in foreign affairs, as in regard to those the English Government can exercise its veto.

THE UITLANDERS.

Having regained independence, the Transvaal reverted to its former methods of government. Kruger was installed in the Presidency, where he has remained almost constantly ever since. The Volksraad once more re-assembled, and it looked as if the experiences of the five-and-twenty years which preceded the annexation were about to re-commence. There was no money in the treasury, and no means of procuring it by making "raids" on the natives, since on all sides the State was surrounded by English territory. The budget could only show £177,000, rather less than 4½ million francs, to its credit. Besides, this sum could only be got with great difficulty, as the country was in a state of poverty bordering on barbarousness.

In 1885 the gold formations of Witwatersrand were discovered. Foreigners crowded to the spot. In the first instance they were mostly adventurers, as is always the case when gold mines are discovered. Then, gradually, as the industry increased and other mines were opened, more especially when the working of the deeper layers which existed had to be carried out by more

elaborate methods, quite a multitude of people settled in the country.

The number of foreigners, "uitlanders," soon became, as it is at the present time, double that of the Boers. They were gathered together upon land which covers only a very small part of the country, hardly a hundredth. The largest group of them live in the town of Johannesburg, which has nearly 100,000 inhabitants, whilst the capital, Pretoria, a short distance off, contains only a tenth of that number.

From the very first Kruger and his countrymen viewed the newcomers with great suspicion, and they forthwith took means to stem this torrent of invasion, whilst turning it to their own advantage. From the time of the proclamation of independence, the Grondwet, a hazy and confused charter, shewing forth the principles upon which the State was founded, was once more put in force. The Grondwet declared that the country was open to any foreigner who respected the laws of the State. There was no question of revoking this article; that would have been to arrest the development of the revenue, which was advancing with giant strides. Instead of this one after another of those articles which treated of the electoral franchise was changed. Originally the franchise was granted after two years' residence, then the number was increased to five years, and soon after to fifteen. In actual fact it is twelve, besides which, one must be forty years old at least, and have gone through a series of formalities to which we shall refer later on. The law is in reality prohibitive. Then Kruger, who feared that the Uitlanders would be sympathised with by the Dutch of Cape Colony, surrounded himself with an administration of his own choosing out of Holland. The larger number of the high-class officials of the Transvaal did not originally belong to the country; they have been imported from Europe and especially from Holland. These men among whom are Dr. Leyds, and others, are entirely at Kruger's command. Sometimes they add the word "adopted" to that of the "Fatherland," an expression of the President's, a former British subject born in Cape Colony. It is they who participate most largely in the rich emoluments of the actual Government, and who are, therefore, chiefly interested in keeping things as they are. Should war break out it will be greatly their influence that has led to the disaster.

Kruger himself has succeeded in taking the position of an autocratic monarch. In the Raad his authority is complete. This chamber of twenty-five members is composed almost entirely of his partizans. During the elections he knows how to get at the voters on their weak side. He confronts them with the spectre of the English threatening their independence. His will dictates the

decisions of the Raad. Almost every law has extended the limits of his jurisdiction and added to his authority. Further, when he pleases he sets the Grondwet aside. Thus, there is a prescribed order that no law can be passed before being submitted to the people during a period of three months. This very feeble guarantee against the arbitrariness of the Raad has been ignored in several cases of great importance. The Raad has set itself to legislate by degrees. Ready-made laws have been known to issue from a single sederunt.

When the Transvaal was composed of only a semi-nomadic population of farmers, quite a rudimentary administration was required. It became a totally different matter when more than a 100,000 foreigners arrived and settled down in a very restricted locality, and when they founded a large town the primary elements of civilisation became a necessity. This town required a police force, water, a municipality, schools, laws for the regulation of the liquor traffic—in a word, all that is needed by an urban community. Nothing was done, in spite of the reiterated appeals of the Uitlanders. One organisation alone was set on foot—taxation, and this increased daily. The Government accumulated enormous sums, exacted almost solely from the foreigners, in regard to the outlay of which the latter had no voice. It was not only their quota of the taxes which ground them down then, and which still crushes them, it was the nature of several of them. As for instance the tax upon food, which pressed heavily on the maize supplied by the mining companies to their native workmen. In the few schools that were started the teaching of English was prohibited from the first. The police duties were in the hands of rough Boers, under the direction of the Field-Cornets, who could hardly be called superior to them.

Accordingly, wearied out by the futility of their efforts, the Uitlanders in 1892 formed themselves into an association, under the name of the National Union, its aim being "to obtain by entirely constitutional means, equal rights for all citizens, and redress for all grievances." From the beginning Kruger evinced a very hostile attitude towards this association, and replied by trying to force military service on the foreigners. The association increased and developed, and at last the three classes of people to be found among the Uitlanders—the capitalists, few in number; the middle-class, among whom were merchants, people connected with mines, engineers, etc.; and the white workmen—all enrolled themselves members. A petition signed by 37,000 foreigners was rejected by the Raad with contempt. One of the members went so far as to say that the Uitlanders would only obtain these rights by fighting for them.

There was no use then to count upon the Raad, so the League organised a revolutionary movement of emancipation, for which they sought to procure the necessary arms. Mr. Bryce, who spent several weeks in Pretoria and Johannesburg at the end of 1895, describes the preparations for this movement, which was supposed to be a secret. In Pretoria nothing else was spoken of. At Johannesburg he was asked to visit the ammunition depôts. At the Cape and in the Orange Free State it was well-known what was a-foot, and there was even sympathy with the movement. The burghers of these two States bore Kruger a grudge for surrounding himself with Europeans from Holland, and not choosing Afrikanders for his Government. Then the Uitlanders made no appeal to England. Although the most of them were English, they had resolved to hoist the Transvaal colours: they would not hang out a foreign flag. Their object was to free themselves from Kruger and his obligarchy, and to proclaim a more liberal constitution. Under these conditions they experienced if not the support, at least a sympathetic neutrality from a certain number of Boers, partisans of reform, but more or less tyrannised over by the President and his acolytes.

What was it then that rendered the movement abortive? It was the Jameson Raid. The movement was to have taken place on the 6th or 7th of January after a great meeting of the National League. But before this date, Jameson and his band were seized, and the Uitlanders, at the command of Sir Hercules Robinson, had delivered up their arms. The Jameson Raid was to Africa what the enterprises of the "corps francs" were to certain Swiss Cantons before the Sonderbund war. It cannot be too severely condemned. It was evidently the work of Cecil Rhodes, whose intervention was fatal to the cause he wished to serve. Not that Jameson meant to lead the movement. He was there to assist his countrymen and not to make a conquest. But the sight of the "Chartered's" troops was sufficient to alienate the very real sympathies felt by the Afrikanders for the Uitlanders, and to cause the former to return to the Boers' side. There being among them a great number who no more desired to be under the Chartered's Government than under that which they lived. Nothing could have played better into President Kruger's hand, and nothing could have proved more fatal to the Uitlanders' cause than this enterprise, as senseless as it was criminal, and which was destined to certain failure. We shall not perhaps know for a long time the whole truth regarding the Jameson Raid. There are still some very serious points which have not been cleared up—for example, the reason of Jameson's departure on that special day. The champion of the Uitlanders, Sir Alfred Milner, writing to Mr. Chamberlain at the present time, alludes to the Raid, calling it a

conspiracy "in regard to which the great mass of the Uitlanders was innocent, and which has injured and ruined their cause."

Since then, as we shall see, the situation has become much worse for the Uitlanders. But before looking into that matter, let us speak of Kruger's Government and the condition of the country. In round numbers, the Transvaal has 250,000 white inhabitants, of whom two-thirds are Uitlanders, the rest are Boers, amounting to 75,000 or 80,000, of whom nearly 25,000 are male adults.

In 1885 the revenue of the State was rather more than four million francs. At the present day, thanks to the Uitlanders and the taxes paid by them, the revenue is 110 million francs. It has increased in the proportion of one in twenty-five. I invite the admirers of the Transvaal Government, who challenge documents from an English source, to open Gotha's Almanac. There will be seen the financial statement for 1898. There will they be able to read how out of this 110 millions, the fees and salaries amounted to nearly a quarter, say 25 millions. This means 1,000 francs per head to each adult Boer, because it goes without saying that none of it came the Uitlanders' way. When we consider that the great majority of the Boers are shepherds, who have no share in the government, and who consequently get no part of the cake, we may judge of the size of the pieces which are cut off by President Kruger for himself and the oligarchy, foreign in some measure, by which he is supported. The President alone receives an income of 175 thousands francs (the President of the Swiss Confederation has 15t housand), and besides, there is what is called "coffee," and which, in his case, should be called "pipe"; in other words, electioneering charges. The above does not comprise all his personal profits. In the same table of the Almanac appears a sum of nearly 17 millions, entitled "other expenses."

This rubric takes note also of the secret service money, which, in the Budget, appears at rather less than a million francs—being more than England spends—but which sum is always exceeded, having in 1896 approached nearly five millions. Secret service money, an ugly name and a still uglier thing, and which ought to be an unknown factor in the affairs of small nationalities. Is not integrity one of the cardinal virtues which we expect to find among them more than anywhere else? I should like to know what the head of a small state of 250,000 inhabitants has to do with several million francs of secret service money? Most surely not for the purpose of blending together the two white races who share South Africa.

One can picture to oneself what the financial government of the Boers is, with this plethora of money provided almost entirely by those detested Uitlanders. Here is a sample:—The Raad dis-

cussed the Budget of 1898; one of the members made the remark that for several years advances amounting to sixty million francs had been made to different officials, and that no account of these had been rendered. Such has been the development of the Boer régime in the school of opulence.

Far be it from us to say that we consider all Boers to be tainted by the corruption and venality which is so prevalent in the Government. The farmer or the shepherd who lives at a distance from Pretoria has preserved his patriarchal virtues. He is upright and honest, and at the same time proud and impatient of all authority. Those questions dealing with the political rights of the Uitlanders, and affairs in Johannesburg, are matters of utter indifference to him. True it is that he is very ignorant, and reads nothing but the Old Testament. Kruger well knows how to get such people to do his bidding; he has only to threaten them with the spectre of England, and to shout the word "Independence" in their ears. And what is so revolting to us is that under cover of these principles of independence and national honour, so dear to us, those brave people are called upon to lay down their lives in order to preserve for a tyrannical and venal oligarchy the right to take at its desire, or to distribute at its will, the gold it has exacted from the labour of the alien.

It is clear that, after the Jameson Raid, the position of the Uitlanders only got worse. The foreigner, and especially the Englishman, has always been considered by the Boer as a being of an inferior race—a kind of intermediary between the negro and the chosen people. He must be kept in a state of subjection, so that one could do what one liked with him. Therefore, very far from lending an ear to the complaints of the Uitlanders, and from trying to effect a reconciliation with the Boers, the Government sought more than ever to restrict the few rights they already had. I have referred to the custom indulged in by the Raad, contrary to the constitution, of legislating by decrees. For some time the Uitlanders could rely upon the Supreme Court, to which they might appeal when they felt themselves wronged. Now, it happened that a judge protested against one of these decrees of the Raad, in the name of the law and the constitution. This liberty of opinion, this audacity could not be tolerated by the Government, who made the Raad pass a law of "disseizin," which is only a mockery, and an almost naïve dedication to the absolute. I shall analyse it from the text itself.

The preliminary remarks take for granted that originally the Grondwet of 1858 declared the resolutions of the Raad to have the force of law, and that the judges of the Supreme Court must bow before them, as the judicial power did not possess the testing right. That which follows relates to what has been dispensed

with. A majority in the Supreme Court, it might be of two judges, could declare that the resolutions of the Raad which were contrary to the Grondwet of 1858, and which would defeat the administration of justice, had no legal force; therefore the Court had the power to refuse their application. This the Raad could not look upon with an indifferent eye.

In conclusion: taking into account that this law, *although not having been made public three months beforehand, according to Article XI. of the Grondwet, must be brought under notice, since no delay can be granted*, it has been resolved that it will be taken immediately under consideration, although . . . and here is quoted anew the article in the Grondwet which it ignores.

The law itself consists of seven articles. The first stipulates that all resolutions of the Raad, past and future, are to have legal force; that the judges must administer justice according to these resolutions, and that they will have no power to call in question whether or not they conform to the Grondwet. The second fixes the oath to be taken by the judges, in which they have to promise never to claim the testing right. The gist of the whole law is in Article IV. His Honour the President will inquire of the judges in charge if they deem it conformable to their oath (which they have taken) and to their duty, to administer justice according to the laws and resolutions of the Raad, and not to claim the testing right. *His Honour reserves to himself the privilege of refusing all those from whom he may receive a negative answer, or who, in his opinion, would not prove satisfactory.*

Such is justice in the Transvaal. Of law there is none—there are only the caprices of the Raad. A vote in a secret sitting: this is what handicaps the judges, and in accordance with which they must give their decisions. The law of to-day may no longer be the law of to-morrow. The fifteen members of the majority—or rather Kruger who makes them vote—can alter the opinion from one day to another; this matters not, their opinion, formulated by a vote, will always be law. Woe unto the judge who would dare mention the constitution or the code, for there is one. It would mean his dismissal by the President who has elected him. This accounts for the disintegration of legal powers, which, notwithstanding, had been guaranteed by the Grondwet. But the constitution was not made to stand in the way of the Government. This law shows how the Government interprets its commands. Those which suit it are made use of and construed in its own way; those which embarass it are set aside, by the assertion of its own prerogative, without even the pretence of an excuse.

Another law, which is little more than a parody, is the municipal law of Johannesburg. It was well-nigh impossible to administer the affairs of a town of 100,000 souls by Field-Cornets

and Landdrosts. It became then necessary to have a municipality. The law fixes that the administration of a town shall be by a Council of twenty-four members elected for two years. Half of them must be burghers, who form only four per cent. of the white population, and who are much the poorest and most ignorant members of it. At the head of the Council is the Burghermeister, who is elected by the President of the Republic, and who remains in office for five years. Take note of this. The Burghermeister is not at the Council's disposal to carry out resolutions, which "in his opinion would be contrary to law." In such a case he must defer to the President. This it is known is a law for President Kruger.

It is easily understood how the Uitlanders were not content with this law, which was the outcome of one of the promises made to them. It would be necessary, to complete the matter, to mention also the law on the expulsion of foreigners, the press laws, taxation' and all the other grievances that this people, twice as numerous as the Boers, have to endure. I shall not enter upon this catalogue; it seems to me that the two examples cited are sufficiently conclusive.

Thus all the Uitlander's efforts have been in vain. The petitions sent by them to the Raad have been rejected with contempt. The emancipation movement which they tried to inaugurate miscarried, thanks to the Chartered's intervention. One sole resource was left to them, an appeal to Great Britain. This was done: a petition, signed by 21,600 British subjects, was forwarded to the English Government in the month of March, 1899. The appeal concludes by requesting an enquiry to be made into the subject of the grievances enumerated therein, and begging that the representative of Her Majesty in South Africa would take the necessary measures "to secure the redress of these abuses, and obtain from the Transvaal Government genuine guarantees of the petitioner's rights as British subjects." This petition started the negotiations which have led up to the actual crisis.

THE NEGOTIATIONS.

Could a Power like England lend a deaf ear to the complaints of such a large number of her subjects, who, despairing of their cause, had recourse to her, after having vainly tried to obtain justice from the Government of the country in which they lived, and which owed its prosperity to them? Such is the question that first meets the eye, and throws all else into the background. To the foregoing statement, the simplicity of which none can deny,

there is only one possible answer. England dare not abandon the Uitlanders; she cannot repeat the experiences of 1881.

We do not desire to reproduce here in detail the different phases of the negotiations, beginning with the Conference arranged by the President of the Orange Free State at Bloemfontein between President Kruger and Sir Alfred Milner, the Governor at Cape Town. As we know, the result of this Conference was null and void, President Kruger absolutely rejecting Sir Alfred Milner's proposals. What were these proposals? They were mainly, to begin with, a request for admission to the electoral franchise of Uitlanders domiciled for five years, and a representation to be granted to the mining districts, the number not being then specified, but which it was thought out to be about a quarter of the Raad. England has been blamed—and is still blamed—for thus interfering in the internal management of the Transvaal. Has not any State the power to fix as it chooses the right of admission to citizenship? There is much to be said on this point; and above all to emphasize the enormous difference between old States like ours—constituted centuries ago—and States still in formation, which can only increase and develop by immigration and the importation of new elements that help to build up the edifice. But, setting aside the question of right, it must be noticed that the grant of the electoral franchise to the Uitlanders would be the easiest and most honourable way for the Boers to satisfy the plaintiffs.

The Uitlanders' grievances are very numerous, the most serious being the condition of justice, of which we have been able to form some idea. That, as well as all the others—expulsions, the press, the police, taxes, schools—is purely part of the internal order of the State. Would it not have been much more to his credit if Kruger had himself brought these questions before the Raad, as representing the Uitlanders, than to have to listen to the remonstrances of Mr. Chamberlain upon each of these points? Give them representation, says England to the Transvaal, and we shall leave the Uitlanders to extricate themselves. They can defend their own interests, and, however small their number—since they will only be a fourth—their voice will at least be heard. There will be so much less reason for us to mix ourselves up in the affairs of the Transvaal, as the Uitlanders will be able to plead their own cause in the Council. So speaks Mr. Chamberlain. Then the same minister is represented as taking another way, admitting that these were only a part of the Uitlanders' grievances—the most glaring ones being the state of justice and the schools—and insisting that the Transvaal Government should effect a reform in these institutions.

What would these friends and admirers of the Boers have said, who have already made outcry about England's injustice and

unwarrantable interference in the affairs of a small people? Do they not see that these reforms would have quite another character if they had been debated in the Raad between freemen of the same country, and not granted with reluctance under pressure from the foreigner? It seems to me that the true friends of the Transvaal can only give it one advice, which would be to yield upon the franchise question and to open the door of the Raad to the representatives of the majority of the inhabitants. After all these Uitlanders deserve some recognition. For is it not this inferior race that has created the prosperity of the Transvaal? Without them where would be the millions in which Kruger and his Dutch friends revel?

Not only would the granting of the franchise not have wounded their self-respect, but the Transvaal would have contributed its share towards the amalgamation of the two races, who now regard each other as rivals. Note, for instance, the passing of a resolution in the Canadian Parliament a few days ago; that truly liberal measures alone could have led to the complete fusion of the two elements which were in Canada so long hostile to each other. It is said that an indelible antipathy between the English and the Dutch would be the result of a war in South Africa. To us it seems that nothing is more likely to produce and foster that antipathy than the present state of matters. On the one side are the Boers, narrow and tyrannical, and on the other a much more numerous population, upon whose labours they live, and whom they persist in holding in an inferior position. Once again we must look elsewhere for the reason of the opposition of the Transvaal Government, to the making of what I shall call senior men of the Uitlanders. Should they enter the Raad, even a few of them, it would mean the downfall of Kruger's omnipotence. Who knows if the new-comers would not succeed in attracting to their side the present latent elements of the opposition? It would be difficult then to legislate by decrees, and the gaps of sixty millions in the budget might perhaps cause somewhat of a scandal.

At Bloemfontein President Kruger indicated to Sir Alfred Milner the outlines of an electoral law, which would grant the franchise after nine years' residence, and which he would cause to be passed on his return. However, when the final vote was taken, the Raad reduced the number from nine to seven, which has given the law a retro-active effect. This law, like all the laws of the Boers, is confused, badly extended, and obscure. It is, besides, a counterpart of the municipal law in the sense of apparently making a concession, which is only a pretence—the beginning annuls the end.

Article IV. stipulates that aliens, who have been domiciled for seven years, may obtain naturalisation and the franchise, on the condition of going through the formalities specified in the four sections of Article I. Some special portions of these formalities must be noted. In the first place, a certificate from the Field-Cornet and from the Landdrost, countersigned by the Commandant of a district, declaring that the candidate has been continually registered on the Field-Cornet's list must be produced. What is meant by this word "continually"? Has it to do with repeated entries of the name? Nobody knows. Moreover, the fitness of the Field-Cornets must be taken into account. Registers burnt or lost, entries set down on scraps of paper that a puff of wind has blown away, are matters of every-day occurrence. A second portion demands a certificate that the candidate has resided all the time in the country, has obeyed the laws, and has done nothing to endanger the independence of the State. From whom does this portion emanate? That is not known, any more than the person's name to whom these portions are to be remitted. The Field-Cornet and the Landdrost may object to grant the second, which is then replaced by a declaration of the candidate, signed by a certain number of burghers; but the Field-Cornet and the Landdrost can refuse to put their "visa" to it. The candidate must then appeal to the Government.

A new document has then to be written out by himself, and an oath taken, the preamble of which declares that the candidate renounces all rights in, and duties to, his native country, as a precursor to the naturalisation which he will obtain at the end of two years, always on the condition that, six months before the expiry of the time, he has informed the State Secretary, through the Field-Cornet, that he intended to acquire this naturalisation.

Once naturalised he is a minor, or if you will, a homeless one, as for five years he has no political rights. He has renounced the protection of his old country, and in the new he is nobody. It is impossible to know in many cases where the law differentiates between burghers and aliens, to which class he belongs. These five years of noviciate having rolled by, he becomes a burgher, still under the condition of again announcing six months beforehand his intention of obtaining the franchise. Should any one wish to avoid this unenviable noviciate of five years, naturalisation and the franchise can both be obtained together at the end of seven years, not of sojourn, but dating from the time when he signified to the Field-Cornet his intention of desiring to be naturalised.

Behold, then, the famous franchise concession, a concession lauded in every kind of strain by the newspapers, and which one has blamed Mr. Chamberlain for not accepting with enthusiasm.

The retro-activity shewn by the seven years' arrangement has been highly extolled, but as the formalities of Article I have not been left out, it is almost of no value. The great majority of the Uitlanders have not been registered by the Field Cornet. It is a custom that has fallen into desuetude; and, moreover, it is likely that there are few traces left of entries, which reach back seven years, in the books of the Field-Cornet. Truly a Boer law; confused, leaving many points indefinite, and opening a door to the arbitrary in such a way that the application of it rests with the Government, and, as a last resort, with the President.

And yet Mr. Chamberlain did not give a refusal pure and simple to this seven years' franchise suggestion, which was beyond what Sir Alfred Milner had put as a minimum. His answer was a proposal to nominate a Mixed Commission, which would examine into the working operations of this law, and the means of facilitating its application. As was to be expected, President Kruger began by refusing the Mixed Commission, under pretext of interference in the internal affairs of the Transvaal. Before, however, his refusal had been officially communicated to the English Government, he made new proposals, those of the 19th of August,—the franchise to be granted after five years' sojourn; a simplification of the formalities which made the law itself almost inapplicable; representation for the Uitlanders to the number of ten members, and never less than a quarter of the Raad; the right to be granted to the new electors to vote even for the President and the Commander-in-Chief.

This was all very well; and it is evident that if the President had stopped there those proposals would have solved the difficulties and have put an end to the crisis. But here again the end almost entirely annuls the beginning. Kruger attached to these proposals three irreducible conditions, and raised the question of the Sovereignty. One should note this: in the actual negotiations it was not Mr. Chamberlain who raised the question of Sovereignty, it was the Transvaal. Mr. Chamberlain neither said nor wrote anything of the nature to lead one believe that he wished to revert to the Convention of 1884, and that was no part of the intention of the English Cabinet. The three conditions imposed by Mr. Kruger were—that England would engage not to interfere in the internal affairs of the Transvaal; to abandon the Suzerainty; and to agree to arbitration as soon as the franchise became law.

As to arbitration, upon this the two parties are agreed or nearly so. It would bear upon different questions which have nothing to do with the Uitlanders—the condition of the Indians in the Transvaal; the administration of Swaziland; the Zulu frontier, etc. Between the two countries there are several small litigations, of which some are matters for arbitration and others for amicable settlement.

Mr. Chamberlain proposed a new conference at the Cape to arrange this arbitration and settle the questions which were beyond his province, but he absolutely refused to agree to the two preceding conditions. "England," said he, "cannot renounce the right, given her by the conventions, of interfering when it is a question of the protection of her subjects, who are being made the victims of injustice, and she cannot consider the Transvaal as a sovereign international state."

It is evidently difficult to draw the line between protection and interference; but if Mr. Chamberlain expresses himself thus categorically, it is because he has enough acquaintance with the diplomatic Boer to be able to explain perfectly well the object of this condition. It is to prevent England from controlling and superintending the putting in force of the proposal which relates to the franchise. We may remark that this condition coincides with the abandonment of the law's orders which, by studied complications, left the naturalisation of the Uitlanders more or less to the good pleasure of the Field-Cornet and the Government.

Since this resource no longer exists, there is still the Raad. This Council's habit of legislating by degrees is an understood thing. Who can tell how and under what conditions it would vote for the Franchise law? And suppose that it was passed in an acceptable form, when the crisis was over, or circumstances became more favourable, what would hinder the Raad from altering it, as has been done already at least three times since 1882? And then, England being disarmed, this agreement never again to interfere in the internal affairs of the Tranvaal would be produced. Should this be thought to be an imaginary danger, and the apprehension unjust to the Boer Government, let one read the laws that have been passed lately by the Raad, such as the municipal law, or others besides. Mr. Chamberlain is not the man to let himself be caught in such a net.

Two days after making the proposals of which we have just spoken, the Transvaal sent an additional note declaring that no more proposals would be made, and that a refusal to accept the conditions would imply their withdrawal. So not one step of progress has been made since the Conference.

I pass over some correspondence which did little to advance the question. On the 2nd September, President Kruger, seeing that England had lost patience and was about to make proposals, agreed to accept those put forward by Mr. Chamberlain at the first: the Mixed Commission, with a seven years' franchise. But it was too late. On the 9th of September Mr. Chamberlain sent off his proposals, which were the same as those of President Kruger, minus the conditicns added by him: the franchise after

five years; ten representatives of the Uitlanders in the Raad; the new citizens' right to vote for President and the Commandant-in-Chief. He adds that he thinks the new deputies to the Raad should have the privilege of speaking in their own tongue. Once these proposals are accepted, a conference might take place at the Cape to organise the arbitration, and to arrange the other matters in dispute.

One notices that, while these proposals are on the whole the same as those of the Boers, they differ in their refusal to re-open discussion upon the 1884 Convention, to which, moreover, Mr. Chamberlain again declares he intends to adhere.

Notwithstanding this, the Transvaal refused to agree. In a long telegram Mr. Reitz regrets that England has abandoned the idea of the Mixed Commission and the seven years' franchise. As he is visibly embarassed by the five years' proposal on the part of the Transvaal, he speaks of a misunderstanding—not to say treachery—with the English representative at Pretoria.

As to the admission of the English language into the Raad, such a thing would never be allowed. Mr. Chamberlain has been greatly blamed for preferring this request. It has not even been granted him to cite the example of Switzerland in their "official nationalization of a language spoken by foreigners." And, besides, it is neither more nor less than what is done for the Dutch in Cape Colony. In 1882 the Cape Town Parliament, reverting to the law of 1828, decided that Dutch would be considered an official language belonging to the same category as English, both in Parliament and the Courts of Law. One cannot see how a similar wise arrangement for the Uitlanders, who are in such a large majority, would be humiliating to the Transvaal.

The Transvaal has refused Mr. Chamberlain's proposals. The next meeting of the Cabinet is looked forward to with some anxiety, as England will then speak her last word. War has not been declared. There is still time, and we think that the duty of the friends of the Transvaal is to advise it to accept these proposals, and not to throw itself into a war which will be its destruction. Not indeed, we are now convinced, because we think its Government and Administration are institutions that ought to be maintained, or that their disappearance would be worthy of regret.

Once more, let it be said, we refuse to draw a parallel between this oligarchy, gorged with the Uitlanders' gold, and our fathers, our ancient magistrates, or the heroic shepherds of Montenegro. But the Transvaal is in existence, and there are good elements in it, and it may reform. In our opinion no reform will come without freedom. May the Transvaal not present to the world the spectacle of a small country in which liberty can only be

established on the ruins of independence. May it accept the proposals offered. May it fashion out of the Uitlanders citizens, interested, even as the Boers, in the welfare of the country and in its prosperity; and with the undreamt-of material resources at its disposal, it will be in its power to become one of the most flourishing states of the Old and New World.

GENEVA, 28*th September*, 1899.

Since the above was written events have only followed too quickly.

The Ultimatum sent by the Transvaal on the 9th of October was a declaration of war, and blood has already poured forth. However great the successes of the Boers may be at the beginning of the campaign, and the admirable courage with which they fight is being depicted, their fate is henceforth determined. The Transvaal will cease to be an independent State, and that by its own act. Again, we do not hesitate to say that the true friends of the Boers were those who advised them to accept the last proposals made by England, which could have been so much better done, as they were those which Kruger himself presented to the Raad, and which he made the mistake of withdrawing.

In these days when small nationalities are so few in number, and when their very existence is not easy, it is always serious to note the disappearance of one from a map of the world. So much the more reason then for the others not to put themselves in the position of the Transvaal. Again would I say how much I admire the bravery and heroism with which the men fight. But this independent political life for which they are shedding their blood; of what does it consist, and what does it produce? Two things only, oppression of the blacks and the subjection of the foreigners. Of what use are small nationalities if such are the principles they exhibit, and if their utility rests on these? Thus will the great nations who govern the world reason. And wherein lies the advantage of preserving the small ones, if they are only hindrances in the path to civilisation?

Therefore I refuse to compare the Transvaal with our country. Without boasting, we may say that the Swiss and the Boers are very different; and if it should be God's will that we may have to disappear as an independent state, our absence would make itself felt in the world more than one would think.

In South Africa, on the other hand, what shall we see? After the Transvaal Government will have been swept away by the British Army, the Transvaal will probably become a British Colony, such as are constituted at the present time. When peace has been restored, it will no longer have its Raad, but a real

representative Government with a large measure of autonomy, and having at its head a Governor appointed by the Crown. Courts of justice will be established which will not be in the hands of the Executive power; police, schools, municipal administrations—all these will be soon set agoing, as well as those liberal institutions which make of colonies like the Cape, countries as free as any there are in the world. The Boer farmer will continue to cultivate his farm in peace, and there will be no change in his life, except that compulsory military service will no more be forced upon him, and he will no longer be able to ill-treat the blacks who work for him. There is no doubt that under a good Government the Transvaal will become one of the most prosperous countries of the British Colonial Empire. There was nothing to hinder President Kruger and his Government from realising those brilliant perspectives themselves. And then for many a long year would the Transvaal flag have waved over Pretoria.

EDWARD NAVILLE.

25th October, 1899.

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